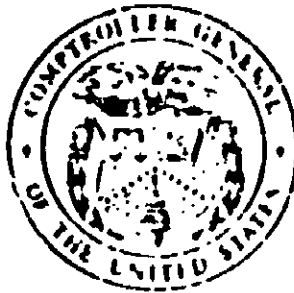


DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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Melody
119048

FILE: B-207082

DATE: July 23, 1982

MATTER OF: Phil Con Corp.

DIGEST:

Protest is academic and not for consideration by GAO, where it is based solely on an allegedly defective specification covering work under an alternate bid item, but award is not made under that item and thus, no contract for the disputed work will be awarded.

Phil Con protests any award under Veterans Administration (VA) project No. 81-103, which called for the insulation and repair of steam lines at the VA Medical Center, Tomah, Wisconsin. Phil Con contends that the portion of the specification written for underground heat distribution systems does not comply with the guide specification issued by the Federal Agency Specification Office, and that the solicitation therefore is defective. We dismiss the protest as academic.

This project was intended to correct a steam loss problem in certain buildings at the Medical Center. The solicitation contained five alternate bid items, each dealing with the problem in a different manner. Items I and II each encompassed all the desired work under the project except that Item II involved no underground heat distribution work. The remaining items offered less expensive solutions and reduced the scope of work to be done. Award was to be made as follows:

"A single award will be made on Item I or (alternate) Item II, but in the event the lowest responsible bid exceeds the funds available, a single award will be made on either Item III, Item IV, or Item V in that order of priority. Bidders shall quote a price on each Item listed."

VA reports that the contracting officer has determined that an award under Item II would be most advantageous to the Government since it would be \$12,000 less expensive than Item I. Therefore, no award will be made under Item I. Inasmuch as Item II does not include underground heat distribution work, it becomes purely academic whether the specification for this work was defective. That is, no contract containing this work would be awarded even if Phil Con's protest were successful. It long has been the policy of our Office not to consider academic protests. See National Health Services, Inc., B-201725.2, March 5, 1982, 82-1 CPD 204; Mid-America Engineering Corporation, B-202791, March 1, 1982, 82-1 CPD 171. Accordingly, we decline to review the merits of Phil Con's protest.

J. H. Barclay, Jr.
for Harry R. Van Cleve
Acting General Counsel